

### Remarks

These Remarks are in reply to the outstanding Final Office Action. Claims 9, 18-19, 21 and 24 are pending.

Claims 9, 19, 21 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,997,298 (*Nowak*) in view of U.S. Patent No. 4,188,952 (*Loschilov, et al.*) and further in view of U.S. Patent No. 6,149,434 (*Gault*).

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Nowak* in view of *Loschilov, et al.* and further in view of U.S. Patent No. 4,702,697 (*Linkow*).

#### I. Rejection of Claims 9, 19, 21 and 24 Under 35 U.S.C. §103(a)

Claims 9, 19, 21 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Nowak* in view of *Loschilov, et al.* and further in view of *Gault*.

In the Office Action on page 2, the Examiner states:

[T]he applicant defines a low frequency in the range of 6-40 kHz in the specification; whereas the frequency in the reference is 26.5 kHz...

The Applicant's attorney respectfully disagrees as the instant Specification defines low frequency as **6-40Hz, not in kHz**. As stated in the Specification at page 7, paragraph [0049]:

[T]he tip 3 can be set in vibration...with ultrasound modulated at low frequency (**6-40Hz**)...(Emphasis added).

Therefore, it is respectfully requested that the rejection of claims 9, 19, 21 and 24 under 35 U.S.C. §103(a) be withdrawn.

#### II. Rejection of Claim 18 Under 35 U.S.C. §103(a)

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Nowak* in view of *Loschilov, et al.* and further in view of *Linkow*.

Claim 18 is patentable for at least the reasons stated above in regards to claims 9, 19, 21 and 24.

Therefore, it is respectfully requested that the rejection of claim 18 under 35 U.S.C. §103(a) be withdrawn.

III. Conclusion

Based on these remarks, reconsideration of claims 9, 18-19, 21, and 24 is respectfully requested.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Kirk J. DeNiro/  
Kirk J. DeNiro  
Reg. No. 35,854

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, California 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665